



Wisconsin Court System

Volunteer Mediation in Wisconsin

Volunteer mediation in Wisconsin is one example of court-connected alternative dispute resolution. For further information about court-connected alternative dispute resolution, please consult the information sheet entitled "Court-Connected Alternative Dispute Resolution," available at the Supreme Court or by calling (608) 266-1298. For more information about volunteer mediation programs please consult the information sheet entitled "Volunteers in the Court," available at the Supreme Court or by calling (608) 266-1298, and the Supreme Court catalog of Court-related Volunteer Programs in Wisconsin (June 1998), available from the Supreme Court.

Volunteer mediation has grown remarkably in Wisconsin in the last 12 years. Two areas of growth have been evident.

Mediation Organizations

Several Wisconsin counties now have mediation organizations which operate wholly or in part by using volunteer mediators. The volunteers usually mediate small claims cases, but in some instances they mediate family issues and victim/offender conferences as well. Each mediation organization has its own approach to recruiting, training and working with volunteers and to determining the types of disputes volunteers may mediate. For example, in La Crosse, volunteers only mediate small claims cases. Others, such as *Try Mediation* in Eau Claire, mediate both family matters and small claims and also promote mediation to resolve disputes in the schools.

Try Mediation has a one-stop mediation service. At the parties' first appearance in small claims court, the clerk of circuit court determines which cases are contested. The parties and their lawyers are then shown a short videotape which explains mediation and encourages the parties to participate in good faith. On hand at the completion of the orientation are five to eight volunteer mediators out of a pool of 20 who undertake the mediation of each contested case

that same day. Approximately 60 percent of the contested cases are settled the same day. Another 10 percent are settled at a later date and do not go to trial.

Neutral Evaluation

Lawyers in several Wisconsin counties have volunteered to mediate personal injury cases for fellow attorneys. This informal process is frequently not true mediation, but rather another form of alternative dispute resolution known as neutral evaluation of a case. It has resulted in many settlements.

Increasingly, attorneys are trying new methods of alternative dispute resolution to save litigants time and money and to reduce the caseload of the courts.

Photo credit: Kristy Bradish



The Winnebago Conflict Resolution Center, Inc., in operation for 14 years, uses trained volunteers to mediate small and large claims. Using whatever space they can find in the courthouse, the volunteers mediate more than 300 cases per year, with a 90 percent success rate. Litigants filing small claims actions in Winnebago County Circuit Court are required to attend an orientation to find out more about the mediation option. In large claims cases, the judge sends litigants to the Center and a mutual decision is reached on whether mediation is appropriate. Above, the disputants discuss the issues and, in most cases, an agreement is reached.